

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-1580V

Filed: March 24, 2016

UNPUBLISHED

LAURA MCKENNA,

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Petitioner,

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Ruling on Entitlement; Concession;
Tetanus-Diphtheria-acellular Pertussis
("Tdap") Vaccination; Shoulder Injury
Related to Vaccine Administration
("SIRVA"); Special Processing Unit
("SPU")

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Respondent.

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Maximillian J. Muller, Muller Brazil, LLP, Dresher, PA, for petitioner.

Darryl R. Wishard, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On December 28, 2015, petitioner filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the "Vaccine Act"). Petitioner alleges that she suffered a shoulder injury as a result of her December 17, 2014 tetanus-diphtheria-acellular pertussis ("Tdap") vaccination. Petition at ¶¶ 2-3. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On March 23, 2016, respondent filed her Rule 4(c) report in which she concedes that petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, respondent "has concluded that petitioner's alleged injury is consistent with shoulder injury related to vaccine administration ('SIRVA'), and that it was caused-in-fact by the Tdap vaccine she received on December 17, 2014." *Id.* at 3-4. Respondent further indicates that no other causes for petitioner's SIRVA were

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012)(Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

identified and that the “records show that [petitioner] suffered the sequela of this injury for more than six months.” *Id.* at 4. Respondent further indicates that “based on the record as it now stands, petitioner has satisfied all legal prerequisites for compensation under the Act.” *Id.*

In view of respondent’s concession and the evidence before me, the undersigned finds that petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Nora Beth Dorsey

Nora Beth Dorsey
Chief Special Master